IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	**Case No: 21-CR-603 (RC)**
v.	:	**40 U.S.C. § 5104(e)(2)(G)**
CHRISTOPHER MICHAEL CUNNINGHAM	:	
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Christopher Michael CUNNINGHAM, with the concurrence of her attorney, agree and stipulate to the below factual basis for the defendant's guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol;

however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than $1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

CUNNINGHAM's Participation in the January 6, 2021, Capitol Riot

8. On January 5, 2021, CUNNINGHAM, a resident of Nashville, Tennessee, traveled with another individual to Washington, D.C. to support President Trump at the planned rally on January 6, 2021.

9. On January 6, 2021, CUNNINGHAM attended the rally at the Ellipse and then traveled from the rally to the Capitol grounds, where he walked through the restricted area and up to the West side of the Capitol building.

10. CUNNINGHAM entered the Capitol building at approximately 2:20 p.m. through the Senate Wing door, which had been breached approximately 7 minutes earlier. There were windows adjacent to the door that had been smashed, and other rioters were climbing in through those windows. He traveled with a crowd of rioters through the Senate and House sides of the building, as well as the Capitol Rotunda, ultimately exiting on the East side of the Capitol Building at approximately 3:50 p.m.

11. CUNNINGHAM filmed his entrance into the Capitol with his cellular phone.

12. CUNNINGHAM posted photos of himself and the interior of the Capitol building, including of the Office of the Speaker of the House, and a video of the interior of the Capitol building showing the crowd of rioters on Facebook.

13. The defendant knew at the time he entered the U.S. Capitol Building that that he did not have permission to enter the building and the defendant paraded, demonstrated, or picketed.

14. After exiting the Capitol building, CUNNINGHAM remained just outside of the East Rotunda doors of the Capitol building with the other rioters ~~and attempted to enter the Capitol building again, but he was rebuffed by law enforcement officers~~. KN, 2/15/22 DS 2/17/22 CC 2/27/22

Respectfully submitted,

MATTHEW GRAVES
United States Attorney
D.C. Bar No. 481052

By: */s/ Katherine Nielsen*
Katherine Nielsen
Trial Attorney, Detailee

DEFENDANT'S ACKNOWLEDGMENT

I, Christopher Michael Cunningham, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 02/10/2022

Christopher Michael Cunningham
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 2/10/22

Dumaka Shabazz
Attorney for Defendant